

EXHIBIT 2



WESTMINSTER MAGISTRATES' COURT.

In England and Wales.

To each and all of the Constables of the Metropolitan Police

There being information in writing and on affirmation that

Name **Minh Quang PHAM** date of birth **09/02/83**

(hereinafter called the person) is or is believed to be in or on way to the United Kingdom:

And is accused in a category 2 territory, namely **USA**, of the commission of (an) offence(s), the conduct of which occurred in that territory, which conduct would constitute the offence(s) of

Terrorism Act 2000, section 56 collection of information Arch 25-68(extra-territoriality per section 63A, Terrorism Act 2000 Arch 25-76)
Terrorism Act 2000, section 11 membership of a proscribed organisation Arch 25-17

Terrorism Act 2000, section 54, Arch 25-63(extra-territoriality per Terrorism Act 2006,section 17(2) (d) Arch 25-205

Terrorism Act 2000, section 54, Arch 25-63;(extra-territoriality per Terrorism Act 2006,section 17(2) (d) Arch 25-205

Possessing firearm contrary to section 16 Firearms Act 1968 Arch 24-36

if it had occurred in England and Wales:

Between 01/12/10 and 27/07/11 in the Yemen PHAM took an oath of allegiance to AQAP and worked on the propaganda magazine thereby conspiring to provide material support to a foreign terrorist organisation and also providing and attempting to provide material support to a foreign terrorist organisation. He also trained in the use of a Kalashnikov assault rifle and possessed a Kalashnikov assault rifle. He also was in receipt of military type training from a foreign terrorist organisation.

And it appears to me that the conduct alleged would constitute an extradition offence:

And I have been supplied with such information as would justify, in my opinion, the issue of a warrant for the arrest of a person accused of an offence in England and Wales:

20-6-12
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GOVERNMENT OF THE UNITED STATES OF AMERICA V PHAM

OUTLINE OF FACTS

Mr. Pham has been made the subject of a provisional arrest request. Full papers will be served in due course. This note provides a brief overview of the facts in the case as known.

The United States requests the provisional arrest of PHAM for the purpose of extradition.

PHAM, a Vietnamese citizen and former UK citizen, is wanted to stand trial in the United States for terrorism-related offenses.

PHAM is the subject of Indictment Number 12 Cr. 423 in the United States District Court for the Southern District of New York, filed on May 24, 2012, and charging him with the following offenses:

- ~~One count of conspiracy to provide material support to a foreign terrorist organization~~, in violation of Title 18, United States Code, Section 2339B, which carries a maximum penalty of 15 years imprisonment;

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- One count of ~~providing and attempting to provide material support to a foreign terrorist organization~~, in violation of Title 18, United States Code, Section 2339B, which carries a maximum penalty of 15 years imprisonment;
- One count of ~~conspiracy to receive military-type training from a foreign terrorist organization~~ in violation of Title 18, United States Code, Section 371, which carries a maximum penalty of 5 years imprisonment;
- One count of ~~receipt of military-type training from a foreign terrorist organization~~ in violation of Title 18, United States Code, Section 2339D, which carries a penalty of 10 years imprisonment; and
- One count of ~~possessing, carrying, and using a firearm in relation to a crime of violence~~ in violation of Title 18, United States Code, Section 924(c), which carries a maximum penalty of not less than 30 years imprisonment.

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On May 24, 2012, a warrant was issued for PHAM's arrest by the District Court for the Southern District of New York based on the charges in Indictment Number 12 Cr. 423. The warrant issued on May 24, 2012, remains outstanding and executable against PHAM.

The facts establishing probable cause to believe that PHAM is responsible for the crimes charged in the Indictment include the following:

On ~~December 1, 2010~~, PHAM left the ~~United Kingdom for Yemen~~. Prior to his departure, he told his pregnant wife that he was traveling to Ireland. In reality, he traveled to Yemen, stayed with a tour group for a period of time, left the tour group, and then traveled to a safe house in Yemen belonging to the group Al-Qaeda in the Arabian Peninsula ("AQAP"). He took an oath of allegiance to AQAP, which trained PHAM in the use of a Kalashnikov assault rifle, a weapon that PHAM carried during much of the remainder of his time in Yemen.

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While in Yemen, PHAM met ~~Cooperating Witness 1~~ ("CWI"), along with ~~Samir Khan~~ ("Khan") and ~~Anwar Aulaqi~~ ("Aulaqi"). While in Yemen, ~~CWI~~ knew PHAM as "~~Amin~~". CWI interacted with PHAM at various AQAP safe houses. He saw PHAM work with Khan on AQAP's propaganda magazine, Inspire; understood from Khan and Aulaqi that PHAM's background in web design helped AQAP; and exchanged with PHAM computer files.

~~On July 27, 2011~~, PHAM returned to the United Kingdom. Upon his arrival at London's Heathrow International Airport, he was detained, searched, and interviewed by British authorities. The search uncovered a ~~live round of 7.62 caliber armor piercing ammunition~~, consistent with that used in a Kalashnikov rifle; currency in an approximate amount of ~~15,500 U.S. dollars~~ (mostly in U.S. dollars and Euros); and various electronic media. During his interview, PHAM ~~denied any interaction with Yemen's terrorist elements~~ and insisted that ~~while in Yemen he remained with a tour group and then lived with a family he first met while in the country.~~

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On December 22, 2011, British authorities arrested PHAM on immigration-related charges and PHAM has remained in UK custody since that time. CWI has identified a photograph of PHAM as the person he knew as "Amin" in Yemen.